

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL**
FOR: HEALTH CARE FINANCING ADMINISTRATION

1. TRANSMITTAL NUMBER: <u>0 4 — 2 2</u>	2. STATE: Maryland
3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID) Medicaid	
4. PROPOSED EFFECTIVE DATE April 1, 2004	

TO: REGIONAL ADMINISTRATOR
HEALTH CARE FINANCING ADMINISTRATION
DEPARTMENT OF HEALTH AND HUMAN SERVICES

5. TYPE OF PLAN MATERIAL (Check One):

- ☐ NEW STATE PLAN ☐ AMENDMENT TO BE CONSIDERED AS NEW PLAN ☒ AMENDMENT

COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate Transmittal for each amendment)

6. FEDERAL STATUTE/REGULATION CITATION:	7. FEDERAL BUDGET IMPACT: a. FFY <u>04</u> \$ <u>375,000</u> b. FFY <u>05</u> \$ <u>750,000</u>
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: Attachment 4.19A&B, Page 9	9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable): Attachment 4.19 A&B, Page 9 (91-14)

10. SUBJECT OF AMENDMENT:

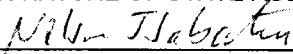
We are requesting the ability to pay physicians who are employed by the State, at the Baltimore City Medicare rate.

11. GOVERNOR'S REVIEW (Check One):

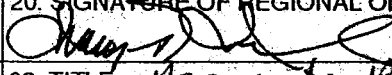
- ☐ GOVERNOR'S OFFICE REPORTED NO COMMENT
☐ COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
☐ NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

☒ OTHER, AS SPECIFIED:

Susan J. Tucker, Executive Director
Office of Health Services

12. SIGNATURE OF STATE AGENCY OFFICIAL: 	16. RETURN TO: Susan J. Tucker, Executive Director OHS - DHMH 201 W. Preston St., Ste 124 Baltimore, MD 21201
13. TYPED NAME: Nelson J. Sabatini	
14. TITLE: Secretary, Department of Health and Mental Hygiene	
15. DATE SUBMITTED: March 11, 2004	

FOR REGIONAL OFFICE USE ONLY	
17. DATE RECEIVED: March 11, 2004	18. DATE APPROVED: MAY 25 2004

PLAN APPROVED - ONE COPY ATTACHED	
19. EFFECTIVE DATE OF APPROVED MATERIAL: April 1, 2004	20. SIGNATURE OF REGIONAL OFFICIAL: 
21. TYPED NAME: Mary T. McSorley	22. TITLE: Associate Regional Administrator Division of Medicaid and Children's Health

23. REMARKS:

FEDERAL REGULATION CITATIONS:

Attachment 2.2 A 42 CFR 435.10

Attachment 2.6 A 42 CFR Part 435, Section 435.10 and Subparts G & H AT-78-90, AT-80-6, AT-80-34 1902(l) and (n) of the Act, P.L. 99-509 (Secs. 9401 and 9402), 1902(l) and (n) and 1920 of the Act, P.L. 99-509 (Secs. 9401, 9402, and 9407)

Attachment 3.1 A Part 400, Subpart B and 1902(e)(5), 1905(a)(18) through (20), and 1920 of the Act, P.L. 99-272 (sections 9501, 9505 and 9526) and 1902(a), 1902(e)(47), 1902(e)(7) through (9), and 1920 of the Act, P.L. 99-509 (sections 9401(d), 9403, 9406 through 9408) and P.L. 99-514 (section 1895(c)(3))

Attachment 3.1 B 42 CFR Part 440, Subpart B, 42 CFR 441.15, AT-78-90, AT-80-34

Attachment 3.1 C 42 CFR 431.53, AT-78-90

Attachment 3.1 F 1905(a)(24) and 1930 of the Act, P.L. 101-508 (Section 4712 OBRA 90)

Attachment 4.18 A 447.51 through 447.56

Attachment 4.18 C 447.51 through 447.53

Attachment 4.19 A & B (a) 42 CFR 447.252, 46 FR 44964, 48 FR 56045, 50 FR 23009, 1902(e)(7) of the Act P.L. 99-509 (section 9401(d))

(b) 42 CFR 447.201, 42 CFR 447.302, AT-78-90, AT-80-34, 1903(a)(1) and (n) and 1920 of the Act, P.L. 99-509 (Section 9403, 9406 and 9407), 52 FR 28648

Attachment 4.16 42 CFR 431.615(c) AT-78-90

Attachment 4.19 D (d) 42 CFR 447.252, 47 FR 47564, 48 FR 56046, 42 CFR 447.280, 47 FR 31513, 52 FR 28141

Attachment 4.22 A (a) 433.137(a), 50 FR 46652, 55 FR 1423

Attachment 4.22 B (b) 433.138(f), 52 FR 5967, 433.138(g)(1)(ii) and (2)(ii), 52 FR 5967, 433.138(g)(3)(i) and (iii), 52 FR 5967, 433.138(h)(4)(i) through (iii), 52 FR 5967

Attachment 4.22 C Section 1906 of the Act

Attachment 4.24 1927(g) 42 CFR 456.700, 1927(g)(1)(A), 1927(g)(1)(a) 42 CFR 456.705(b) and 456.709(b), 1927(g)(1)(B) 42 CFR 456.703(d) and (f), 1927(g)(1)(D) 42 CFR 456.703(b), 1927(g)(2)(A) 42 CFR 456.705(b), 1927(g)(2)(A)(i) 42 CFR 456.705(b), 1927(g)(2)(A)(i) 42 CFR 456.705(b), (i)-(7), 1927(g)(2)(A)(iii) 42 CFR 456.705(c) and (d), 1927(g)(2)(B) 42 CFR 456.709(a), 1927(g)(2)(C) 42 CFR 456.709(b), 1927(g)(2)(D) 42 CFR 456.711, 1927(g)(3)(A) 42 CFR 456.716(a), 1927(g)(3)(B) 42 CFR 456.716 (A) and (B), 1927(g)(3)(C) 42 CFR 456.716(d) 1927(g)(3)(C) 42 CFR 456.711 (a)-(d), 1927(g)(3)(D) 42 CFR 456.712 (A) and (B), 1927(h)(1) 42 CFR 456.722, 1927(g)(2)(A)(i) 42 CFR 456.705(b), 1927(j)(2) 42 CFR 456.703(c)

Attachment 4.32 A (a) 435.940 through 435.960, 52 FR 5967

Attachment 4.33 A (a) 1902(a)(48) of the Act, P.L. 99-570 (Section 11005), P.L. 100-55 (Section 5(a)(3))

Attachment 4.35 A (a) 1919(b)(1) and (2) of the Act, P.L. 100-293 (Section 4212(a))

Attachment 4.35 B (b) Same as above

6. A. For professional services rendered by a physician, or osteopath, or nurse anesthetist, or nurse practitioner, reimbursement will be the lower of:

1. The provider's customary charge to the general public;
2. The Department's fee schedule.

The Program reserves the right to negotiate and establish a different fee for a physician or a group of physicians under contract to a hospital to provide services when a portion of the cost of the contract is paid at the hospital's cost, provided this fee does not exceed limitations set forth in (1) - (2), above.

- B. For professional services rendered by a podiatrist, physical therapist, dentist, or optometrist, reimbursement will be the lower of:

1. The provider's customary charge to the general public;
2. The Department's fee schedule.

- C. For professional services rendered by trauma surgeons, orthopedic surgeons, neurosurgeons, critical care physicians, and anesthesiologists to a trauma patient on the State trauma Registry, who is receiving services in a state designated trauma center, reimbursement will be the greater of the:

1. The Department's fee schedule;
2. 100% of the Baltimore City and surrounding area Title XVIII Medicare physician fee schedule facility rate.

- D. For professional services rendered by a physician or osteopath who is a faculty member of the University of Maryland School of Medicine and employed by the State, reimbursement will be the greater of:

1. The Department's fee schedule;
2. 100% of the Baltimore City and surrounding area Title XVIII Medicare physician fee schedule. Physicians and osteopaths will be paid the facility-based rate regardless of where the services are performed.

TN # 04-22 Approval Date **MAY 25 2004** Effective Date: April 1, 2004

Supersedes TN # 04-18